

On “The Law”

by Todd Wilson

Some laws seem to “teach” morality by punishing “moral” lapses. Murder, theft, and assault come to mind as obvious examples. So can the law make one moral? Of course not. *No* law can change a person’s heart, even though it may *educate his mind* and *punish his failures*. But some laws are *reflections* of moral precepts that are universal or very nearly so. These include the Laws of God and the Laws of Nature if the two may be separated.

On the other hand, man-made laws are most often based on pragmatic considerations or the need for efficiency. That is, the considerations underlying the laws are intended to “be fair,” or efficient. Impersonating an officer of the law and traffic signs are examples of these. Prohibited behaviors are “wrong” because they usually give a person an “unfair” advantage (in the case of impersonation) or because they may maximize risk or minimize efficiency among the unthinking (in the case of such things as traffic laws).

The first sort of prohibitions are right *because they are moral*. The second are “right” for no other reason that they are “legal.” That is, some laws are made legal because they are moral, while others are moral only because they have been made legal. It is of these pretentious, man-made laws, and to their over-zealous practitioners and unthinking defenders that we say, “the law, sir, is a fool and an ass.”

So what is law? There are generally three types of law if you include God-given laws as seen in the Bible. In addition there are laws of nature that are more or less clear to every human being. These would certainly include the censure of murder and theft, for example, no matter how attenuated the interpretation may become in any given culture. The summation of such “natural laws” has come to be known as The Golden Rule, so it, too, falls under this heading.

Then there are man-made laws. These range from the strictures of the Pharisees (whose laws got Jesus strung up on a cross for blasphemy, of all things), to the regulations formulated by bureaucracies such as OSHA and the EPA, and to political and military orders that got six million Jews gassed or shot, and provoked the Mei Lai massacre. These laws are decidedly *not* based upon either God’s character or command, or upon Natural Law. Yet they would require our allegiance and undivided obedience with the same insistence as those that are. But Christians should know better. The *real* requirement in the face of man-made laws is eternal vigilance lest we be coerced into immorality by such law, regulation, or order, or be reduced to bumbling stupidity by “big brother.”

All law boils down to four basic principles. They are the attempts of authority to (1) *Regulate, enforce, or coerce* (2) a *uniform* adherence (3) to a *standardized behavior* (4) *predetermined to be acceptable to the authority*.

Herein, *authority* refers to the person determining the standard of behavior, whether God, Congress, a parent, military superior, or a classroom teacher. To *regulate, enforce or coerce* means to make such behavior happen, or punish its breach. This applies to the law of God, the law written on the very being of humans, school procedures, military orders, and so forth, whether written down or given orally. It is any communication by an authority intended to produce the required behavior in a given situation. *Uniformity* refers to the behavior of all to whom the law, regulation, or order is intended to apply. That behavior is determined by the authority *beforehand* as acceptable in the situation to which it is addressed.

The principle of *enforcement* is what gives law its strength. It is the principle of *uniformity*

that most attracts legalists, for it is this feature that is concerned with “fairness,” or equity. But law may fail because, as a principle, *predefined standards of what is acceptable behavior*, often clash and therefore cannot so easily be *reduced to uniformity*. And this fact is visible even when assessing penalties that may be modified due to “extenuating circumstances.”

So are laws to be slavishly followed without question or reservation? That is, is the principle of uniformity of behavior so important that it becomes the paramount consideration in all behavior? In the case of God’s laws and Natural Law, perhaps we should be more reluctant to “bend the rules.” In the case of man-made rules, we must be a little more flexible. In the case of man-made (and therefore highly questionable) laws, we are much better advised to pay close attention to “the spirit of the law,” and the rationale for its enactment and enforcement. For human law is nothing more than the attempt of fallen man to regulate the behavior of fallen men by enacting measures that frequently cannot possibly be both *uniformly* and *ethically* imposed, and are often based on less than pure motives. This becomes clear when we remember that God’s laws (and Natural Laws written on the human heart), are immutable and permanent, whereas man-made laws are temporal at best and are often amended or abolished. A good example from American history is the Eighteenth Amendment to the Constitution to outlaw the sale and use of alcohol, and later the Twenty First Amendment to the Constitution to repeal the Eighteenth. One cannot escape the conclusion that one or the other of these two amendments (Constitutional Laws!) was *clearly wrong*. The fallible nature of man-made laws is right there in the American constitution where all can see the human folly of the American Congress, the several states, and many individual people.

We should recall the example of Jesus as he speaks to the Pharisees regarding the law of Sabbath observance (John 5:2-16). Note His dictum at the end of a similar confrontation that “the Sabbath was made for man, not man for the Sabbath” (Mark 2:23-28). And in John 8:3-11, observe his behavior concerning the woman taken in adultery (and by the way, where was the man?). The Pharisees were testing Jesus’ adherence to the law, for clearly, according to Jewish law, the woman should have been stoned to death. But Jesus tied the Pharisees in knots by showing that their own sins had either escaped detection or punishment, or had been forgiven, revealing their behavior with reference to their victim to be hypocritical at best, and calculating and cowardly at worst. Then we might recall Romans and Galatians to get a fully developed Christian perspective on law.

When Hitler wanted to rid Europe of Jews, thank God for those who said “no” to Nazi law (see addenda 1), and protected Jews. And when escaped slaves were *legally* hunted down and returned to their “owners” (see addendum 3), thank God for those lawbreakers of *Underground Railroad* fame. Those who meekly stood by silently in their dumb obedience to the law, or hid like cowards *behind* the law, and never lifted a self-righteous finger to help the victims of *legal* persecution are known as *legalists*, and have been mostly and justly forgotten by history. We are better off for having forgotten them. And so are they.

Those who harbored the Jews (see addendum 2) and moved slaves to freedom are the heros. They are the heros not because, as members of the winning side, they wrote the histories, but because they subordinated their “duty” to obey immoral laws to conscience and to morality, higher institutions than mere law. These are the *moral heroes* precisely *because* they disobeyed the law. It is a very shallow or uneducated soul that will kowtow to every law for no better reason than that it somehow *became* a law. May God protect us from such people.

In order to understand the concept of law and the various kinds of laws required by societies,

we must first remember the various types of law available. Law may include religious law, ranging from tribal taboos up to and including Jewish ritual law. It also includes Natural Law, something which, according both to the Bible and to the Enlightenment thinkers, is written on the heart of man, and unavoidable except by the greatest effort. And it includes those man-made laws that were “enacted,” and put in place for various reasons. These latter include everything from constitutional law to bureaucratic pronouncements and military orders. Like the Biblical statement regarding the writing of books, we may note the endless passage of such laws and bureaucratic pronouncements.

The common feature of *all* law is to manage or curtail human rights. The tacit threat of man-made law becomes clear when we see this.

If we picture man in the “state of nature” with Hobbes, Locke, and Rousseau, we see him in a state of complete freedom. By *freedom* it is clear that we mean the ability of man to act always as he chooses without direction or coercion toward any predetermined, “acceptable” action. This is the picture of man with maximum freedom, and most people can probably comprehend the dangers of living in such a situation – a situation rightly characterized as “chaotic” at best, and a Hobbesian nightmare at worst. For every man might easily find himself the next meal of someone else or some other group.

For the sake of grasping the magnitude of law, we may now imagine the opposite of this scene. Here, every behavior, action, and demeanor is dictated by law, and while men are still technically free to “behave” or not, the consequences of *not* following the law constrain the greatest number of them. This is the reduction of men to the status of *zombies*, *bionic robots*, or *Stepford wives*.

It is clear then, that the function of law is to curtail free behavior. The more “guidance” law provides (and *insists upon*) the less freedom of action men may exercise without fear of punitive measures. The meek, and the more ethically disposed among us, really do not *need* so many of the laws, while the innumerable laws for every conceivable situation are largely *ignored* by those who tend to do as they wish under any circumstance. Hence, the severity of punishment required to provide a deterrent, even if only in a few cases, and as a “corrective” for those not thereby deterred.

Two things are obvious: Because man is a fallen creature, his survival is impossible without *some* law. But with *too many* laws, especially of the trivial, man-made variety, survival becomes a never ending, soul-crushing calculus at best, and mankind’s unsleeping nightmare at worst. We may conclude then, that there cannot be so many laws that life becomes a heaviness of spirit. But there must be enough law to perhaps deter a few of the of the hopelessly unethical and to punish those who cannot be deterred. So the failure adequately to deter or punish sin against our natural rights on the one hand, and on the other hand, the ever-growing body of often needless man-made laws and bureaucratic “red tape” regulations, cry out for redress. Balancing the needs of society between the extremes of chaos and slavery, for a populace so morally diverse as mankind, is like an endless cavort on a thin, greasy high wire stretched between Scylla and Charybdis.

One seemingly obvious solution is to maintain with fierce determination and by means of harsh penalties the Natural Laws, i.e., those that protect natural rights (life, liberty, property, family, etc.); to enact a minimum of “elective” or “nonessential” laws; and to reduce bureaucratic pronouncements to *suggestions* without recourse to fines or penalties.

Perhaps we can get a closer look at the nature of the various kinds of law and our misunderstandings about them by looking at an incident in the Bible. In order to do this we should

read the book of Esther in the Old Testament. In English translations, it comes just before the book of Job. There is material in the book of Esther with which we will not deal, but will instead keep our attention focused on law, especially the contrast between the God-given laws observed by the Jews, and the man-made laws of the King. We will note the following:

1. King Ahasuerus promoted Haman to be above all the princes and all the king's servants (Esther 3:1).

2. Ahasuerus commanded all people that they were to "bow down" and "do obeisance" to Haman (Esther 3:2). Bowing down and doing obeisance are acts of worship. In fact, the Hebrew word frequently translated "worship," is literally "bow down." The Jews were obliged, by God-given law, to bow down to, or to worship *no one but God*.

3. So Mordechai the Jew refused to bow down and do obeisance to Haman (Esther 3:2).

4. When Haman saw that Mordechai did not worship him (i.e., *obey the King's law*), he was furious (Esther 3:5). Whether Haman's wrath was the product of his pride is, so far as we are concerned at the moment, irrelevant. The point is that he sought to use the king's law for his own purposes – and, unable to invoke the aid of God, *he sought the aid of the (law-giver) king in doing so*.

5. Because of Mordechai's "unlawful behavior," Haman sought to destroy "all the Jews that were in the land" (Esther 3:6).

6. Haman complained to Ahasuerus that the Jews followed "different laws" than the king's laws, so they should not be "tolerated" (Esther 3:8). For the Jews, it was simply a case of making the choice between obeying God's law, or King Ahasuerus' law. For King Ahasuerus and Haman, it was a case of insurrection.

7. Ahasuerus gave Haman permission to have the Jews killed (Esther 3:11).

8. The plot was written down and royal rescripts were sent to the various provinces in the name of the King Ahasuerus (Esther 3:12-13). That is, an *ad hoc* law in the form of a royal decree, was passed, written, and delivered to the provinces to have immediate effect.

9. There follow a number of verses in which the whole intrigue is set forth. But at last King Ahasuerus commanded that Haman be hung on the very gallows that he had prepared for the purpose of hanging Mordechai the Jew (Esther 7:9-10).

The points to ponder from this should be clear: a) the law of God (and Natural Law, as well) is superior to human law, even the law of the King. Only those laws are to receive our unwavering support, respect, and obedience that are contained in the Bible or written "by nature" on the heart. *These laws, in fact, allow man to stand in judgment of man-made laws as they did at Nuremberg;*

b) because man is a fallen creature, his laws can be enacted for a multitude of reasons, many of which are evil, so they must always be scrutinized closely, and never followed blindly; c) The Christian, like the Jew, must be very careful about the effects that obeying man-made laws may have on society, and on other individuals; d) when God's will is done on earth, we must make sure that we are on the right side of *His law*.

If we are able to judge man-made laws as to right and wrong, as scripture clearly indicates Jews and Christians are, is it not implied that man-made laws should be enacted *only* when they are consistent with God's law written on the human heart? This practice alone would drastically reduce the number of weak or trivial laws on the books.

As far as man-made laws are concerned, an individual *with a well trained conscience* (and this *used* to be especially true of Christians) is *duty-bound to disobey* immoral laws. No individual with a well trained conscience has any need for Congress to tell him what is right and wrong. And in some cases, the disregard of blatantly immoral laws may be the only hint that Christianity is still alive.

Another clear example of proper disregard for human law can be found in Exodus 1:8-21 and another in Exodus 1:22-2:10. These concern the directives of Pharaoh concerning the Jews in Egypt, and particularly about the birth of Moses. In the first of these, God rewards the Hebrew midwives for their *disobedience* in refusing to obey Pharaoh's order to kill newborn Hebrew males. In the second, Moses' mother refuses to kill her son as ordered, and he grows up to be the deliverer of the Hebrews. Further insights and confirmation from the Old Testament can be found in the Book of Daniel. The story of the Hebrew youths who refused to worship Nebuchadnezzar's Golden Image can be found in Daniel chapter 3. The story of Daniel under Darius in which he found himself in a lion's den, can be found in Daniel chapter 6. Both of these stories show man-made laws at their worst, and the proper refusal to obey such laws by those who belong to God.

In the New Testament we find that neither Jesus, nor Paul, nor Peter, nor John obeyed the dictates of the Jewish leaders. They counted their lives as *less* important than their virtue, and their virtue as *more* important than adherence to bad laws. They were "subject to" authority, and did nothing deliberately to arouse trouble. But the "community solidarity" available through wrongful obedience to those man-made laws and restrictions that obstructed God's will, and conspired against their own godly behavior, were simply ignored.

Even God's law and Natural Law sometimes *allow for*, or even *require* human disobedience. Admittedly these are rare occurrences. But David, as an example of the violation of a God-given law, ate the consecrated show-bread when he and his soldiers were hungry.

Natural Law provides a slightly different mechanism and understanding. Natural Laws are written on the human heart, and constitute Ground Zero for personal behavior. One thing that can weaken our sense of Natural Law is fallen human nature, which places fallen human *will* above the plain knowledge of right behavior, and by doing so, allows a person or culture to blur the lines of morality, or even to redefine it. This is the cause of trouble, for it provides a genuine case where Natural Law must be extended, or set aside.

So, if one group of people decides it is *permissible* to take the land of another group, even though they would never dream of taking their *other* possessions, they have modified Natural Law to suit their own desires. This actually provides the rationale for the would-be victims to rely upon another implication of Natural Law known as self defense. If, for example, the dictum that human

life is sacred (even if only to oneself) is ignored by others, then that sacred life must be defended. *What is sacred must be either respected, or protected.*

Another example is when tyranny becomes so burdensome that life, to many, is no longer worth living, or becomes so difficult to maintain that a person or group will try to rid society of the tyrant, even at the risk of their own torture or death in the case of failure. Two things happen on such occasions. First, Natural Law is found to include self-defense, so the act of killing a tyrant (or some other self-protective behavior) receives a name in recognition of its valid function. In this case the name is “tyrannicide.” Tyrannicide was justified in the Case of Hitler, but the attempt failed. As noted, when natural rights are not *respected* they must be *protected*. That is the strength of a God-given (or “Natural”) law.

Yet the basic character of Natural Law remains unchanged. Do not commit murder, theft, or adultery, first because you wish to be similarly respected, and second, because you recognize in Natural Law the right to (self) preservation of life, liberty, family, and property. If every person obeyed Natural Law there would be little or no trouble, and very little need for man-made law. But ironically, human law, which is intended to make us safe from our fellows, in some cases makes danger from our fellows worse, by fostering the fears, insecurities, or mental and educational deficiencies of the unthinking, by *allowing them to feel that all law partakes of the same character as the eternal, ubiquitous and immutable laws of God.*

Assuming that everyone is on board with what has been said so far, we now come to the point of defining the proper relationship of the Christian to man-made laws. In a word, the Christian relationship to man-made law is that of *subjection, not of mere obedience*. Perhaps Christians would not be remiss if they started conversations with one another and determined what laws, both *current and coming*, a Christian should not obey. This is important for American Christians, for very soon they may be required to *obey* laws to which they must *only be subject*. Does anyone know the difference?

Addenda

Because none of these addenda is the result of my own research, I will not confirm the accuracy of any of the inferences presented herein. *But the existence of such laws and contrary behaviors that are the burden of this paper, are beyond dispute.* We may argue about the extent of the laws, the severity of the penalties, and statistical data forever. But that the laws and their failure to produce a uniformity of results, as attested in these websites, cannot be ignored. Listed below are a very few among a very great number of similar sites available on the internet.

1. Found at:

<https://www.ushmm.org/learn/timeline-of-events/1942-1945/german-poster-announces-death-penalty-for-aiding-jews>

Poster announcing the ban of hiding or aiding Jews

Jews in hiding and their protectors risked severe punishment if captured. In much of German-occupied eastern Europe, such activities were deemed capital offenses. This September 1942 German poster [not included here], issued during mass deportations to the Treblinka killing center, threatens death to anyone aiding Jews who fled the Warsaw ghetto.

[Translation of Poster]

Announcement

Death Penalty for Aid to Jews who have left the Jewish residential areas without permission.

Recently, many Jews have left their designated Jewish residential areas. For the time, they are in the Warsaw District.

I remind you that according to the Third Decree of the General Governor's concerning the residential restrictions in the General Government of 10/15/1941 (VBL; abbreviation for Verordnungsblatt Generalgouvernement, p. 595) not only Jews who have left their designated residential area will be punished with death, but the same penalty applies to anyone who knowingly provides refuge (a hiding place) to such Jews. This includes not only the providing of a night's lodging and food, but also any other aid, such as transporting them in vehicles of any sort, through the purchase of Jewish valuables, etc.

I ask the population of the Warsaw District [sic] to immediately report any Jew who resides outside of a Jewish residential area to the nearest police station or gendarmerie post.

Whoever provided or currently provides aid to a Jew will not be prosecuted if it is reported to the nearest police station by 4 pm on 9/9/42.

Likewise, those who deliver valuables acquired from a Jew to 20 Niska Street or the nearest police or gendarme post by 4 pm on 9/9/42 will not be prosecuted.

The SS- and Police Leader in the Warsaw District

Warsaw, September 5, 1942

2. Found at:

<https://sprawiedliwi.org.pl/en/o-sprawiedliwych/kim-sa-sprawiedliwi/kara-smierci-za-udzielanie-pomocy-zydom>

The Death Penalty for Helping Jews

The 24th March, in Poland, is observed as the National Day of Remembrance of Poles Saving Jews During German Occupation. On that day, in 1944, in the village of Markowa in the Rzeszów region, probably as the result of being denounced by a Polish policeman, the Germans murdered the Ulma family and the Jews they were hiding. To this time, the number of people who, like the Ulmas, died while sheltering Jewish escapees from ghettos and extermination camps, has not been determined precisely. Selected stories of Poles, affected by the worst of German repression, is presented on Polish Righteous Portal.

Terror in Occupied Poland

During World War II, terror was used in Poland under German occupation. There were ordinances regulating the daily lives of civilians and their non-compliance would result in draconian punishment. Among other restrictions, political and cultural activities were banned, farm animals could not be slaughtered and even the possession of a radio was forbidden.

Helping Jews, who were persecuted by the Germans and had to hide in order to survive, was also strictly forbidden. Despite these threats, hundreds of thousands of Poles were active in the underground and some (it is difficult to determine exactly how many) also provided Jews with refuge – selflessly, without payment, for a shorter or longer period.

Penalties, which could be the result of helping Jews, varied – from beatings or property confiscation, through prison, forced labour and a concentration camp, through to the death penalty. There are known cases of the implementation of all these penalties (see a register of facts about the repression of Polish citizens for helping the Jewish population during World War II, prepared by the Institute of National Remembrance).

The subject of this most severe punishment has not as yet been thoroughly academically researched, taking into account the diversity of legislation adopted by the Germans in individual districts of the General Government and, above all, the diversity of its actual enforcement.

Without doubt, however, the death penalty was not merely a threat. In contrast to countries in Western Europe where supporting Jews was also punished, rescuers in Poland and in other Central and Eastern European countries could pay the highest price.

The Death Penalty, in German Ordinances, for Helping Jews

The first, legal act providing for the death penalty for Poles who helped Jews who were living outside a ghetto without permission, was introduced by Governor Hans Frank on 15th October 1941. It was intended to completely isolate the Jews from the “Aryan side”, as well as to deprive them of any contact with the outside world:

“(1) Jews who, without authorisation, leave their designated area, will face the death penalty. The same punishment applies to persons who, knowingly, provide hiding places for such Jews.

(2) Instigators and helpers are subject to the same penalty as the perpetrators. An attempted act will be punishable and a completed act. Lesser cases will be punishable by imprisonment.

(3) Jurisdiction is covered by the Special Courts”

In the months that followed, similar ordinances were issued in all of the districts of the General Government, similar to those announced by the Warsaw District Governor, Dr. Ludwig Fischer, on 10th November 1941. In this case, the ordinance covered not just people who hid Jews, but also those who provided any help whatsoever.

“The same penalty [ed. – death] applies to those who knowingly provide such Jews with shelter or help them in any other manner (e.g. providing overnight accommodation, support or transporting them in any type of vehicle, etc.)”

A second series of German regulations was announced during “Operation Reinhardt” – an extermination operation of Jews from the General Government and the Białystok District in 1942-1943. Trying to avoid death, some Jews escaped from liquidated ghettos and from transports heading towards extermination camps. It was then that the Germans began their Judenjagd (Jew Hunting). This consisted of tracking down those hiding in forests, fields or amongst local communities. The Germans encouraged Poles to take part in the catching of Jews offering, in return, material goods and profit-sharing.

Announcements, similar to Frank’s in 1941, were issued in, among other places, the Przemyśl, Sanok and Dębicki Districts. Posters, bearing these announcements, were hung in city streets. One, issued in Częstochowa in September 1942 cf. Addendum 1], can be viewed in the Core Exhibition of POLIN Museum of the History of Polish Jews.

In the following months of occupation, the German authorities reminded people that severe penalties were also imposed on those who did not report Jews who they knew were living illegally outside a ghetto.

The Enforcement of Penalties for Helping Jews

In practice, the enforcement of the German authorities’ laws varied – depending on the place, time and type of offence. Penalties were imposed during sessions of the German Special Courts, but could also be imposed in absentia or even without any trial. Often, the sentence would be discretionary. Sometimes, those arrested were permitted to return home but, usually, they were sent to prison, concentration camp or sentenced to death. However, there were instances where there were variations from the most severe punishment (read the story of the Gargas family).

On-the-spot executions in front of the rescuer’s home, without any trial or court judgment, were a cruel manifesting of the Germans’ cruelty. Poles and the Jews whom they were hiding were executed in this manner. Sometimes, these executions were carried out publicly so as to frighten the local

community (read the story of the Ciszewski family).

Contrary to popular belief, “collective responsibility” was not implemented where providing help was discovered. However, it is indicated that, in the cases of the Ulma and Kowalski families, an immediate death penalty was also imposed on the children and the neighbours of those providing the shelter.

The deaths of the rescuers and the rescued at the hands of the Germans and the Polish Police of the General Government (the “Blue Police”), often came as the result of being denounced. Prompted by various motives, e.g. prejudices against Jews, profit or fear, the informers would tell the occupation authorities about acts of hiding, this type of “help” being rewarded with cash or kind.

In an announcement, on 19th December 1941, by the Kreishauptmann (Ed: District Commissioner) of Grójec in the Warsaw District, rewards were offered for pointing out Jews who were in hiding or Poles who were helping them: “I have decided to provide rewards to District residents who will take an active part in the fight and who distinguish themselves with good results”. The reward was 100 kg of rye.

In other places, the Germans rewarded informers with, among other things, sugar, vodka or firewood. The amount of these rewards varied greatly. For example, around Ostrołęka, the reward was 3 kilograms of sugar, while in the Kraśnik district, it was 2-5 kilograms. In Warsaw, the reward was 500 złotych, while in the western part of the Małopolskie Province, there was an additional kilogram of sugar.

The Death Penalty – Not Only in Poland

The often-emphasised uniqueness, of the Germans imposing the death penalty in occupied Poland for helping Jews, is most likely due to the relatively high, although still not fully-known, number of deaths that were investigated on the basis of archival and court documents and the accounts of witnesses to history.

Regulations establishing this harshest of penalties were not, however, limited to occupied Poland. The harshest possible penalties were also imposed against, among others, Belarusians, Ukrainians and Serbs.

The Number of Poles Who Died Helping Jews

The number of Poles murdered by the Germans, for helping Jews during the Holocaust, has not yet been precisely determined. The first attempt to draw up such a list was made in 1968 by historian Szymon Datner. He presented 105 such cases. The second attempt was made in 1987 by Prosecutor Wacław Bielawski from the Chief Commission for the Prosecution of Nazi Crimes – he named 872 people who had been murdered and nearly 1,400 anonymous victims. In 1997, another Commission staff member, Ryszard Walczak, verified that data, reducing the number of victims to 704.

These findings were again verified by the Institute of National Remembrance which, since 2005, has been building “An Index of Poles Persecuted for Helping Jews”. To date, the research team has been able to identify around 500 victims.

Poles Murdered for Helping Jews

The following are selected stories of people who died while helping Jews during the Holocaust in occupied Poland:

The Ulma Family

Józef and Wiktoria Ulma hid Jews in Markowa (Podkarpackie Province). From the autumn of 1942, their home sheltered the Goldman family (née Szall) from Łańcut, as well as Lea (Layca) Didner with her daughter and sister Genia (Gold) Grünfeld of Markowa. On 24th March 1944, probably as the result of being denounced by a Polish “blue” policeman, the Ulma couple, together with their children and the Jewish [sic] they were hiding, were murdered by the Germans. This crime was symbolic of the heaviest German repression against Poles saving Jews.

The Kowalski, Obuchowicz, Skoczylas and Kosior Families

The Kowalski, Obuchiewicz, Skoczylas and Kosior families hid many Jews in Stary Ciepeliów and in Rekówka (Mazowieckie Province). Those Jews in hiding included Elka Cukier and Berk Pinchas (Pinechas). On 6th December 1942, the Germans searched their homes. As a result, everyone – in total 34 people – were murdered. It was one of the largest executions carried out, during the occupations, of Poles rescuing Jews.

The Baranek Family

Wincenty and Łucja Baranek, their sons Henryk and Tadeusz, as well as Wincenty’s step-mother, Katarzyna Baranek (née Kopeć), hid Jews in Siedliska (Małopolskie Province). They helped the Gotfried brother of Miechów, together with their father. On 15th March 1943, the Baranek family, together with the Jews in hiding, were murdered by the Germans.

The Gargas Family

Jakub and Zofia Gargas hid Henia Katz in Brzozów (Podkarpackie Province). On 9th February 1944, most probably as the result of being denounced by a neighbour, the Germans came to the Gargas home, together with Polish “Blue Police” and a guide from the local council. Henia Katz was shot on the spot, while the Gargas couple were arrested. On 19th April 1944, the verdict of a German court was death which, two months later, was commuted. Zofia was sentenced to three years imprisonment, while her husband was sentenced to one year.

The Dec Family

Władysław Dec and his sons, Stanisław, Bronisław and Tadeusz, helped Berek Adler, Juda Harmfemst, Józef and Brandla Hoch, Jankiel and Hania Nadel and Mała Szinfeld. They were all hiding in a forest near their hometown of Pantalowice (Podkarpackie Province). In December 1942, one of those in hiding was detained by the Germans and, under severe torture, revealed the names of those who helped her. As a result, the Dec family were murdered.

The Gawrych Family

In Wólka Czarnińska (Mazowieckie Province), Jan and Aleksandra Gawrych, together with their daughter Jadwiga, hid Mosze and Frania Aronson, Chaskiel and Teresa Papier, as well as Abram Słomka. On 18th March 1943, during a search of their home, the Germans arrested Jan Gawrych. He was shot several days later.

The Wolski Family

Małgorzata Wolska, her son Mieczysław, daughters Halina and Wanda and grandson Janusz hid Jews at ul. Grójecka 81 in Warsaw. From 1942, in an especially-prepared hiding place known as “Krysia”, forty people were hidden, among them historian Emanuel Ringelblum. On 7th March 1944, the bunker was discovered by the Germans and the Polish police. All the Jews in hiding, as well as Mieczysław Wolski and Janusz Wysocki, were shot.

Franciszek Raszeja

Franciszek Raszeja provided medical help to Jews in the Warsaw ghetto. Together with Ludwik Hirszfeld, he organised blood donation campaigns. On 21st July 1942, when, using a pass, he was treating the sick Aba Gutnajer inside the ghetto, he was shot by Gestapo officers from the headquarters of SS-Sturmabführer Herman Hoefle. The precise circumstances are unclear. He perished together with his patient, his family, Dr. Pollak and a nurse.

Jadwiga Deneko

Jadwiga Deneko (née Sałek) was a member of the Polish Socialist Workers Party (RPPS). In Warsaw, she helped Jews, among them Katarzyna Meloch, Eugenia Sigalin, Maria Taglicht and Jan Szelubski. On 25th November 1943, together with the hidden Jews, she was arrested by the Germans at an RPPS underground point. After their interrogation, they were all shot on 6th or 8th January 1944.

Henryk Sławik

Henryk Sławik, as President of the Citizens' Committee for the Care of Polish Refugees in Hungary, helped around 5,000 Polish Jews, providing them with false documents and arranging orphanages for the Jewish children. In July 1944, after the Germans entered Hungary, he was arrested, investigated and then sent to the camp at Mauthausen. He was shot on 25th or 26th August 1944.

[Bibliography follows on web page]

3. Found at:

<https://www.nps.gov/articles/000/the-constitution-and-the-underground-railroad.htm>

The Constitution and the Underground Railroad: How a System of Government Dedicated to Liberty Protected Slavery

On August 28, 1787 two of South Carolina's delegates to the Constitutional Convention, Pierce Butler and Charles Pinckney, suggested a new provision for the draft constitution. The Convention had been debating the new form of government for more than three months. Throughout the summer there had been lengthy and acrimonious debates over how slavery would affect the new form of government. Southerners had demanded, and won, numerous provisions to protect the system of human bondage.

No other social or economic institution received such special treatment. In the three-fifths clause the new Constitution counted slaves to determine representation in Congress, thus increasing the power of the slave states in the House of Representatives and in the electoral college. The Constitution empowered Congress to regulate all international trade, except the African slave trade, which could not be abolished by Congress for at least twenty years. Congress and the states were prohibited from taxing exports, which protected the tobacco and rice grown by slaves. In two different places the Constitution promised that the national government would suppress "domestic Violence" and "Insurrections" which for slave owners meant only one thing: slave rebellions.

Now Butler and Pinckney demanded that "fugitive slaves and servants" should "be delivered up like criminals" if they escaped into other states. Some northern delegates mocked this demand, asking why their states should spend money and time helping southerners hunt down their "property." The South Carolinians withdrew their proposal, but that evening there must have been intense conversations among the delegates. The next day, without any more debate or even a formal vote, the Convention approved what became Fugitive Slave Clause.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Avoiding the word slave, the clause appeared to mean that if a slave escaped to a free state, the free state could not free that person, and any fugitive who was found would be turned over to the person who claimed ownership of the slave. This clause appeared in Article IV of the Constitution, which regulated relations between the states. Thus, the language of the clause and its structural placement

implied that this was something that the states would have to work out among themselves.

During the debates over ratification, anti-slavery northerners complained about the slave trade provision and the three-fifths clause, but overlooked the fugitive slave clause. No northerners saw its potential to harm their neighbors or that it might disrupt their society. However, southern federalists pointed to the clause as a reason to ratify the Constitution. General Charles Cotesworth Pinckney (whose younger cousin had introduced the clause) bragged to the South Carolina state legislature: “We have obtained a right to recover our slaves in whatever part of America they may take refuge, which is a right we had not before.” Similarly, at the Virginia convention Edmund Randolph quoted this clause to show that the Constitution protected slavery. He noted that “Everyone knows that slaves are held to service and labor.” He argued that under the Constitution “authority is given to owners of slaves to vindicate their property” because it allowed a Virginian to go to another state and “take his runaway slave” and bring “him home.”

No one at the Convention seemed to contemplate that the federal government would act as the agent for slave owners. But just a few years after ratification of the Constitution the issue of fugitive slaves and the extradition of criminals came before Congress. Pennsylvania had demanded that Virginia return a fugitive from justice, charged with kidnaping a free black. Virginia’s governor refused, arguing the free black was in fact a fugitive slave and so no crime had been committed. The Governor Thomas Mifflin of Pennsylvania asked President Washington to intervene and the issue was soon in the hands of Congress. The result was a 1793 law which regulated both the return of fugitive criminals and runaway slaves. Under this law slave owners had to locate their slaves in the North (which was not always easy), obtain a certificate of removal from a state or federal judge, and then bring their fugitive home. People harboring fugitive slaves could be fined up to \$500 (a significant amount of money at the time) and also be sued for the value of any slave not recovered. In response to southerners forcibly removing blacks from the North (including free blacks), most of the northeastern and Mid-Atlantic states passed personal liberty laws which required state judges to hold hearings on the status of any blacks who might be claimed as fugitive slaves. These state laws contained significant penalties for people who did not follow these rules.

4. Found at:

https://en.wikipedia.org/wiki/Decian_persecution

Christians and the “Pinch” of incense for the Roman Emperor

The Decian persecution of Christians occurred in 250 AD under the Roman Emperor Decius. He had issued an edict ordering everyone in the Empire (except Jews, who were exempted) to perform a sacrifice to the Roman gods and the well-being of the emperor. The sacrifices had to be performed in the presence of a Roman magistrate, and be confirmed by a signed and witnessed certificate from the magistrate. Although the text of the edict has been lost, many examples of the certificates have survived.

Decius' edict was intended to act as an Empire-wide loyalty oath to the new emperor (who had come to power in 249 AD), sanctified through the Roman religion. There is no evidence that Decius sought to target Christianity specifically or initiate a persecution of its practitioners. Jews had been specifically exempted, demonstrating Decius' tolerance of other religions. Nevertheless, Christians were not similarly exempted, apparently because they were not considered to be a religion. Christian monotheistic beliefs did not allow them to worship any other gods, so they were forced to choose between their religious beliefs and following the law, the first time this had occurred.

An unknown number of Christians were executed or died in prison for refusing to perform the sacrifices, including Pope Fabian. Others went into hiding, whilst many apostatized and performed the ceremonies. The effects on Christians were long-lasting: it caused tension between those who had performed the sacrifices (or fled) and those who had not, and left bitter memories of persecution.